

# House File 775 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 247)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring additional workers' compensation payments for  
2 scheduled injuries that result in a reduction in the injured  
3 employee's earning capacity.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1884HV 83  
6 av/rj/14

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1 1 Section 1. Section 85.34, subsection 2, Code 2009, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. w. If an employee sustains an injury  
1 4 described in paragraphs "a" through "t" and is unable to  
1 5 return to employment providing substantially similar earnings  
1 6 to the earnings provided in the employment in which the  
1 7 employee was engaged at the time of the injury, compensation  
1 8 shall be paid during the number of weeks in relation to five  
1 9 hundred weeks as the reduction in the employee's earning  
1 10 capacity bears in relation to the earning capacity that the  
1 11 employee possessed when the injury occurred. If the employee  
1 12 is permanently and totally disabled as a result of such an  
1 13 injury the employee may be entitled to benefits under  
1 14 subsection 3.  
1 15 Sec. 2. Section 85.64, Code 2009, is amended to read as  
1 16 follows:  
1 17 85.64 LIMITATION OF BENEFITS.  
1 18 1. If an employee who has previously lost, or lost the use  
1 19 of, one hand, one arm, one foot, one leg, or one eye, becomes  
1 20 permanently disabled by a compensable injury which has  
1 21 resulted in the loss of or loss of use of another such member  
1 22 or organ and which does not cause the employee to be eligible  
1 23 for benefits under section 85.34, subsection 2, paragraph "w",  
1 24 the employer shall be liable only for the degree of disability  
1 25 which would have resulted from the latter injury if there had  
1 26 been no preexisting disability. In addition to such  
1 27 compensation, and after the expiration of the full period  
1 28 provided by law for the payments thereof by the employer, the  
1 29 employee shall be paid out of the "Second Injury Fund" created  
1 30 by this division the remainder of such compensation as would  
1 31 be payable for the degree of permanent disability involved  
1 32 after first deducting from such remainder the compensable  
1 33 value of the previously lost member or organ.  
1 34 2. Any benefits received by any such employee, or to which  
1 35 the employee may be entitled, by reason of such increased  
2 1 disability from any state or federal fund or agency, to which  
2 2 said employee has not directly contributed, shall be regarded  
2 3 as a credit to any award made against said second injury fund  
2 4 as aforesaid.

## EXPLANATION

2 5 This bill amends Code section 85.34 to provide that for  
2 6 purposes of workers' compensation, an employee who sustains a  
2 7 scheduled injury and is unable to return to employment  
2 8 providing substantially similar earnings to that of the  
2 9 preinjury employment earning capacity, shall be paid  
2 10 compensation during the number of weeks in relation to 500  
2 11 weeks as the reduction in the employee's earning capacity  
2 12 caused by the disability bears in relation to the earning  
2 13 capacity that the employee possessed when the injury occurred.  
2 14 The bill also amends Code section 85.64 to provide that an  
2 15 employee who has previously sustained a loss of a body part  
2 16 and then becomes permanently disabled when that injury is

2 18 combined with a second compensable injury is entitled to  
2 19 compensation out of the state second injury fund as long as  
2 20 that second compensable injury alone does not cause the  
2 21 employee to be unable to return to substantially similar  
2 22 employment and thus be eligible for benefits under the new  
2 23 paragraph "w" in Code section 85.34(2).  
2 24 LSB 1884HV 83  
2 25 av/rj/14